

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY PURCELL and ANDREA L.  
PURCELL, husband and wife, as  
individuals,  
in pro per,

Plaintiffs,

vs.

NAVIENT SOLUTIONS, LLC; SALLIE  
MAE; and DOES 1-10,

Defendants.

Civil Action No. 18-cv-6045

Hon. Cathy Seibel

**NOTICE OF MOTION TO DISMISS AND  
COMPEL ARBITRATION**

TO: All Counsel of Record

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Dismiss, the Declaration of Sheri Jenkins, and all prior pleadings and proceedings filed herein, Defendant Sallie Mae Bank (improperly named as “Sallie Mae”), by and through its attorneys, Foley & Lardner LLP, hereby moves this Court before the Honorable Cathy Seibel, United States District Judge, at the Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601-4150, Courtroom 621, at a future date and time set by the Court, for an Order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and 9 U.S.C. § 3 dismissing the Amended Complaint of Plaintiffs Jeffrey and Andrea Purcell and compelling Plaintiffs to submit their claims against Sallie Mae to arbitration.

PLEASE TAKE FURTHER NOTICE that, pursuant to ECF No. 22, opposition papers shall be served and filed on or before December 10, 2018, and reply papers shall be served and filed on or before December 24, 2018.

Dated: November 8, 2018

Respectfully submitted,

FOLEY & LARDNER LLP

/s/ Anne B. Sekel

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